

FILED
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U.S. DISTRICT COURT E.D.N.Y.

★ **FEB 13 2018** ★

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK

LONG ISLAND OFFICE

R. ALEXANDER ACOSTA, Secretary of Labor,
United States Department of Labor,

:

:

Misc. Action No. 18-323

Petitioner,

:

v.

:

FUSILLI AT MILLER PLACE, INC. d/b/a
FUSILLI RESTAURANT AND PIZZERIA and
CHAD POWELL, individually and as a custodian of
records,

:

MISC. 18 426

HURLEY, J.

Respondents.

:

**MOTION TO COMPEL RESPONDENTS TO PRODUCE DOCUMENTS
PURSUANT TO ADMINISTRATIVE SUBPOENA *DUCES TECUM***

Petitioner R. Alexander Acosta, Secretary of Labor, United States Department of Labor,
hereby moves, under sections 9 and 11(a) of the Fair Labor Standards Act of 1938, as amended,
29 U.S.C. §§ 209, 211(a), and Section 49 of the Federal Trade Commission Act, 15 U.S.C. § 49,
for an order compelling respondents to produce documents in compliance with Administrative
Subpoena *Duces Tecum* issued on December 19, 2017.

A Memorandum of Law in support of this Motion to Compel, with accompanying declarations and exhibits, and a Proposed Order are attached.

DATED: January 30, 2018
New York, New York

KATE S. O'SCAINNLAN
Solicitor of Labor

JEFFREY S. ROGOFF
Regional Solicitor

/s/ Michael R. Hartman
MICHAEL R. HARTMAN
Senior Trial Attorney

U.S. Department of Labor,
Attorneys for Petitioner.

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CERTIFICATE OF SERVICE

I hereby certify that, on this January 30, 2018, I served this Motion and all supporting documents on Saul Zabell, Esq., who agreed to accept service by e-mail at SZabell@laborlawsny.com.

/s/ Michael R. Hartman
MICHAEL R. HARTMAN
Senior Trial Attorney